

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED ✓

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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

ActivMedia Robotics, LLC

v.

Civil No. 03-cv-459-JM

Kurt Konolige

O R D E R

In view of the jury's finding that a contract existed between the parties, the Court rules that Kurt Konolige is not entitled to restitution on his unjust enrichment claim as a matter of law. See Tentindo v. Locke Lake Colony Ass'n, 120 N.H. 593, 597, 419 A.2d 1097, 1100 (1980) (a claim of unjust enrichment will not lie "[w]here there is a valid express contract between the parties . . . [because] the law will not imply a quasi-contract."). Accordingly, the Court grants ActivMedia Robotics, LLC, judgment as a matter of law on Konolige's unjust enrichment claim.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: July 27, 2005

cc: ✓ Daniel S. Coolidge, Esq.
✓ Lawrence D. W. Graves, Esq.
✓ John P. Kelly, Esq.
✓ Peter Konolige, Esq.
✓ Mark D. Lorusso, Esq.
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